

### **SUMMARY OF EXAMINER INTERVIEW**

Applicants would like to thank the Examiners for granting an interview, which was conducted by telephone on January 8, 2009. Differences between the cited art of record and potential claim amendments similar to the amendments set forth herein were discussed.

### **REMARKS**

The Office Action mailed September 18, 2008 has been received and reviewed. Claims 43-44, 48-60, and 62-77 are pending in the subject application. Claims 43-44, 48-60, and 62-77 stand rejected. Claims 43, 49, 58, 60, 68, 72, and 74 have been amended as hereinabove set forth. Claim 44 has been canceled herein. Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

#### **Rejections based on 35 U.S.C. § 112**

Claim 44 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 44 has been canceled herein, rendering the rejection thereto moot.

#### **Rejections based on 35 U.S.C. § 102(e)**

Claims 43-44 and 48-57 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Strittmatter et al., U.S. Publication No. 2004/0176118 (hereinafter, "Strittmatter"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131. Claim 44 has been canceled herein, rendering the rejection thereto moot. As Strittmatter fails to describe, either expressly or inherently, each and every element as set forth in the remaining rejected claims, Applicants respectfully submit that Strittmatter fails to anticipate the claimed invention.

Amended independent claim 43 recites, in part, “creating a common file dialog object suitable for displaying information associated with devices installed on the computer system to a user on a display device, wherein said creating comprises leveraging at least one file management tool within the computer system.” See, e.g., *Specification*, p.15, ll. 1-5. Applicants respectfully submit that Strittmatter fails to disclose this feature. Strittmatter discloses a system and method for search for and establishing wireless communication with a wireless enabled device that utilizes an asynchronous search logic “configured to be executed asynchronously with other processes and applications running on the mobile device.” *Strittmatter*, ¶ [0038]. The search for wireless devices is performed “as a background process that attempts to locate other wireless enabled devices” and upon locating such devices, “device identifiers, or other identification data, corresponding to each device located can be displayed” either automatically or upon a user request. *Id.* at ¶ [0041]. Applicants are unable to find in Strittmatter any disclosure of displaying device information by leveraging a file management tool within a computing system to create a common file dialog object.

Amended independent claim 43 further recites, in part, “obtaining device information corresponding to the devices installed on the computer system to be displayed by accessing device information contained in a function discovery database, wherein the function discovery database is also used by a hardware and devices folder to enumerate a list of the installed devices, the hardware and devices folder being different from the created common file dialog object.” See, e.g., *Specification*, p. 2, ll. 21-24. Applicants are unable to find in Strittmatter any disclosure of a hardware and devices folder that enumerates a list of installed devices. Similarly, Applicants are unable to find in Strittmatter any disclosure of obtaining device information from a function discovery database that is also used by such a folder.

As Strittmatter fails to describe, either expressly or inherently, each and every element as set forth in amended independent claim 43, Applicant respectfully submits that Strittmatter fails to anticipate amended independent claim 43 and respectfully requests that the 35 U.S.C. § 102 rejection thereof be withdrawn. Further, each of claims 48-57 depends, either directly or indirectly, from independent claim 43. Accordingly, Applicant respectfully submits that Strittmatter fails to anticipate these claims for at least the reasons stated above and respectfully requests that the 35 U.S.C. § 102 rejections thereto be withdrawn.

**Rejections based on 35 U.S.C. § 103(a)**

A. Applicable Authority

To sustain a rejection of a claim under 35 U.S.C. § 103(a), the Examiner must find that a preponderance of the evidence supports a finding of obviousness. The Examiner bears the initial burden of showing that the reference teachings establish a *prima facie* case of obviousness. “In view of all factual information, the examiner must . . . make a determination whether the claimed invention ‘as a whole’ would have been obvious at that time to that person.” MPEP § 2142 (explaining that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious”). In making that determination, the Examiner must consider every word in each claim. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Recently, the Supreme Court indicated that “it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art . . . to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR*

*v. Teleflex*, 127 S. Ct. 1727 (2007). However, if the references do not “expressly or impliedly suggest the claimed invention,” the examiner must present “a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” MPEP § 706.02(j) and § 2142, quoting *Ex parte Clapp*, 227 USPQ 972, 972 (Bd. Pat. App. & Inter. 1985).

B. The Rejections of Claims 58-60 and 62-77 over Strittmatter in view of Chiloyan et al., U.S. Publication No. 2002/0083228.

Claims 58-60 and 62-77 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Strittmatter in view of Chiloyan et al., U.S. Publication No. 2002/0083228 (hereinafter “Chiloyan”). As the asserted combination of references fails to teach or suggest all of the limitations of claims 58-60 and 62-77, Applicants respectfully request withdrawal of the rejections of these claims.

### **1. Claims 58-59**

Each of claims 58 and 59 depends from amended independent claim 43. As discussed above with reference to claim 43, Strittmatter fails to disclose all of the features recited in amended independent claim 43. Moreover, Chiloyan fails to cure the deficiencies of Strittmatter in this regard. For example, Chiloyan fails to teach or describe “creating a common file dialog object suitable for displaying information associated with devices installed on the computer system to a user on a display device, wherein said creating comprises leveraging at least one file management tool within the computer system” and “obtaining device information corresponding to the devices installed on the computer system to be displayed by accessing device information contained in a function discovery database, wherein the function discovery database is also used by a hardware and devices folder to enumerate a list of the installed

devices, the hardware and devices folder being different from the created common file dialog object.”

To the contrary, Chiloyan discloses a “method and system for accessing software and other materials pertaining to a peripheral device over a network.” *Chiloyan*, ¶ [0001]. Although Chiloyan does disclose displaying an enumerated list of devices, that disclosure is directed to a user running the Device Manager program, which “displays a list of all hardware devices connected to the host personal computer.” *Chiloyan*, ¶ [0053]. One of ordinary skill in the relevant art will readily understand that the list of devices displayed by the Device Manager program is synonymous with the list of devices displayed by the claimed hardware and devices folder. Furthermore, Applicants are unable to find in Chiloyan any disclosure directed toward creating a common file dialog object that is different than a hardware and devices folder (or the Device Manager) and that also utilizes the function discovery database, as recited in amended independent claim 43.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 43. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 43 obvious. Each of claims 58 and 59 depends, either directly or indirectly, from amended independent claim 43. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious these dependent claims for at least the above-cited reasons. “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988). Applicants respectfully submit that claims 58 and 59 are patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejections thereto.

## **2. Claims 60 and 62-71**

Amended independent claim 60 recites, in part, “a data processing component having an executable component, which, when executed . . . creates a common file dialog object on the user interface having actionable icons for the set of devices [and] obtains a filtered subset of available enumerated devices to be displayed within the common file dialog object by accessing device information contained in the function discovery database . . . wherein the function discovery database is also used by a hardware and devices folder to enumerate a list of the installed devices, the hardware and devices folder being different from the created common file dialog object.” See, e.g., *Specification*, p. 2, ll. 21-24. As discussed above with respect to amended independent claim 43, Strittmatter fails to teach or suggest the features recited in amended independent claim 60. Moreover, as further discussed above, Chiloyan fails to cure the deficiencies of Strittmatter in this regard.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 60. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 60 obvious. Each of claims 62-71 depends, either directly or indirectly, from amended independent claim 60. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious these dependent claims for at least the above-cited reasons. “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988). Applicants respectfully submit that claims 60 and 62-71 are patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejections thereto.

### **3. Claims 72-73**

Amended independent claim 72 recites, in part, “creates a common file dialog object on the user interface component having actionable icon components for the set of devices by leveraging at least one mechanism associated with a file management tool within the personal computer.” See, e.g., *Specification*, p. 15, ll. 1-5. Amended independent claim 72 further recites, in part, “obtains device information to be displayed within the common file dialog object by accessing device information contained in the function discovery database through the programming interface component, wherein the function discovery database is also used by a hardware and devices folder to enumerate a list of the connected devices, the hardware and devices folder being different from the created common file dialog object.” See, e.g., *Specification*, p.2, ll. 21-24. As discussed above with respect to amended independent claims 43 and 60, Strittmatter fails to teach or suggest these features and Chiloyan fails to cure the deficiencies of Strittmatter in this regard. Additionally, amended independent claim 72 further recites, in part, “wherein the device selection user interface component is further adapted to display a control bar comprising a plurality of mechanisms for manipulating devices.” See, e.g., *Specification*, p. 14, ll. 8-18. Applicants have been unable to find any disclosure in the cited art of record that describes these features.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 72. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended



independent claim 72 obvious. Claim 73 depends directly from amended independent claim 72. Accordingly, it is respectfully submitted that the cited art of record fails to render obvious this dependent claim for at least the above-cited reasons. “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Applicants respectfully submit that claims 72 and 73 are patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejections thereto.

#### **4. Claims 74-77**

Amended independent claim 74 recites, in part, “accessing enumerated information concerning available connected devices from a function discovery database, the first information being communicated through the first segment of code to a second segment of code on the programming interface, wherein the function discovery database is also used by a hardware and devices folder to enumerate a list of the installed devices, the hardware and devices folder being different from the created common file dialog object.” See, e.g., *Specification*, p. 2, ll. 21-24. As discussed above with respect to amended independent claims 43, 60, and 72, Strittmatter fails to teach or suggest these features and Chiloyan fails to cure the deficiencies of Strittmatter in this regard.

Accordingly, it is respectfully submitted that, for at least the above-cited reasons, the asserted references, whether taken alone or in combination, cited in the Office Action fail to teach or suggest all of the limitations of amended independent claim 74. Thus, Applicants respectfully submit that the asserted combination of references fails to render amended independent claim 74 obvious. Each of claims 75-77 depends directly from amended independent claim 74. Accordingly, it is respectfully submitted that the cited art of record fails

to render obvious these dependent claims for at least the above-cited reasons. “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Applicants respectfully submit that claims 74-77 are patentable over the cited art of record and request withdrawal of the 35 U.S.C. § 103(a) rejections thereto.

Each of claims 43, 48-60, and 62-77 is believed to be patentable and such favorable action is respectfully requested.

### **CONCLUSION**

For at least the reasons stated above, claims 43, 48-60, and 62-77 are in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [twilhelm@shb.com](mailto:twilhelm@shb.com) (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/Tawni L. Wilhelm/

Tawni L. Wilhelm  
Reg. No. 47,456

TLW/RCO/bp  
SHOOK, HARDY & BACON L.L.P.  
2555 Grand Blvd.  
Kansas City, MO 64108-2613  
816-474-6550